

REMARKS

In the Office Action dated June 4, 2008, the Examiner rejected claims 1-25 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention; rejected claims 1-3, 5, 16, and 25 under 35 U.S.C. 102(b) as being anticipated by *Denda et al.* U.S. Patent 5,967,164; rejected claims 22 and 23 under 35 U.S.C. 103(a) as being unpatentable over *Denda et al.* in view of *Appleford et al.* U.S. patent 5,497,672; and rejected claim 24 under 35 U.S.C. 103(a) as being unpatentable over *Denda et al.* in view of *Appleford et al.*, as applied to claim 23, and further in view of *Parkinson* U.S. patent 4,159,658. The Examiner stated that claims 4, 6-15, and 17-21 would be allowable if rewritten to overcome the rejections under 35 U.S.C. 112, second paragraph, and to include all of the limitations of the base claim and any intervening claims.

Claims 1 and 22 have been amended to overcome the Examiner's rejection under §112, second paragraph. The phrases starting with the words "in particular" have been deleted or amended in these claims.

Claim 4 has been rewritten in independent form including the limitations of the base claim and any intervening claims. Claims 6-15 and 17-21 are dependent upon claim 4 and with the amendment to claim 1, these claims are now in allowable form.

Claims 1-3, 5, 16, and 25 are rejected under ¶102(b) as being anticipated by *Denda et al.* Claim 1 is an independent claim with the other rejected claims being dependent on claim 1. *Denda et al.* discloses a metering valve having a Laval nozzle 1 with an aperture having an inlet convergent flow cross section 1a and an outlet divergent flow cross section 1b with a narrowest throughput cross section 5 extending therebetween. An axially displaceable needle 4 is received by cross sections 1a and 5 to adjust the size of the flow area through the narrowest cross section 5. The needle 4 also extends through a sleeve 12 and has an untapered area adjacent a plurality of recesses 14a in sleeve 12 for fluid flow. The needle 4 is connected to a linear actuator 10.

Claim 1 as amend is distinguishable over *Denda et al.* *Denda et al.* does not teach a valve device having a closed position or a valve device having an opening position without adjusting the dosing gap. In *Denda et al.*, the valve device and dosing gap are adjusted together. Further *Denda et al.* does not teach an adjustable dosing gap. The recesses 14a of *Denda et al.* maintain a constant flow area past sleeve 12. If the cross section 5 is alleged to be the closing gap, then the valve device does not follow the dosing gap.

Claims 2-3, 5, 6, and 25 are dependent upon claim 1 and are allowable for the reasons stated with respect to claim 1. Claim 16 has been amended to depend from claim 4 which is in allowable form. Further with respect to claim 2, as amended, *Denda et al.* does not teach a variable flow area. With respect to claim 3, *Denda et al.* does not teach a dosing cone moving relative to a counter element upon the valve device moving from the open position to the adjustment position. With respect to claim 5, *Denda et al.* does not teach a dosing gap formed by an annular area between a dosing cone and a counter element. With respect to claim 25, *Denda et al.* does not teach a device housing with insertion bevels.

Claims 22 and 23 are rejected under ¶103(a) as being unpatentable over *Denda et al.* in view of *Appleford et al.* Claims 22 and 23 are allowable as depending upon claim 1 for the reasons that claim 1 is patentable. Further with respect to claims 22 and 23, *Appleford et al.* does not teach a reduction gear or a helically toothed spur gear.

Claim 24 is rejected under ¶103(a) as being unpatentable over *Denda et al.* in view of *Appleford et al.*, as applied to claim 23, and further in view of *Parkinson*. Claim 24 is dependent upon claims 1, 22 and 23 and is allowable for the reasons that those claims are patentable. Further, with respect to claim 24, *Parkinson* does not teach a code carrier.

Claim 26 has been added to further claim the present invention.

CONCLUSIONS

During the course of these remarks, Applicant may have at times referred to particular limitations of the claims that are not shown in the applied prior art. This short-hand approach to discussing the claims should not be construed to mean that the other claimed limitations are not part of the claimed invention. They are as required by law. Consequently, when interpreting the claims, each of the claims should be construed as a whole, and patentability determined in light of this required claim construction. Applicant reserves the right to submit the original claims or any cancelled rejected claims in a continuing application and prosecute those original claims fully without regard to any amendments made to those claims in the present application. Applicant does not give up any scope of the original claims due to the claims amendments or cancellations in the present application.

If the Examiner has any questions or comments regarding this communication, he is invited to contact the undersigned to expedite the resolution of this application.

Appl. No. 10/564,592
Amdt. Dated September 3, 2008
Reply to Office Action of June 4, 2008

If a petition for extension of time is necessary in order for this paper to be deemed timely filed, please consider this a petition therefore. If any fee is due for such a petition or should any additional fees be required with respect to this application, the Commissioner is authorized to charge such fees to Deposit Account Number 03-0335 of Cameron International Corporation.

Respectfully submitted,



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